

# **Exhibit 310**



Deposition of:  
**CONF H. E. Frech, III, Ph.D. , Non-time  
stamped**

*May 7, 2019*

In the Matter of:  
**Blue Cross Blue Shield Antitrust  
Litigation/in Re**

**Freedom Court Reporting**  
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1 the Local Best Efforts rule; correct?

2 A. Correct.

3 Q. Okay. And after you state that,  
4 you then do not mention at all in this section  
5 regarding the injunction classes, the propriety  
6 of certifying a class related to the Best  
7 Efforts rules, do you?

8 A. Well, I think it's -- I think  
9 it's implicit in 391, paragraph 391, that that  
10 was -- an injunction would constrain the  
11 anticompetitive agreements and reduce harm to  
12 providers in the future.

13 Q. But you don't specifically  
14 mention the Best Efforts rule in that  
15 paragraph, do you?

16 A. Not in that paragraph. But it's  
17 obviously referring to the paragraph before.

18 Q. You've done no empirical analysis  
19 to determine whether a provider suffered common  
20 harm related to the Best Efforts rules?

21 A. Not specifically. That's -- You  
22 mean quantitatively. Yeah. Not  
23 quantitatively, specifically.

24 Q. And you offered no specific  
25 opinion on the common impact, if any, of the